

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-30208-MAP

BRADFORD C. COUNCILMAN,
Plaintiff

VS.

ALIBRIS, INC.,
MICHAEL WARCHUT,
PETER KROTKOV,
Defendants

**MICHAEL WARCHUT'S OPPOSITION TO PLAINTIFF'S MOTION FOR LEAVE TO
ADOPT AGAINST WARCHUT THE PLAINTIFF'S PREVIOUSLY FILED
OPPOSITION TO THE MOTIONS TO DISMISS
FILED BY ALIBRIS AND KROTKOV**

NOW COMES the defendant, Michael Warchut, who respectfully opposes the plaintiff's Motion for Leave to Adopt Against Warchut The Plaintiff's Previously Filed Opposition to the Motions to Dismiss Filed by Krotkov and Alibris (the "Motion"). As reasons for the Motion, Warchut states that each of the defendants filed individual motions to dismiss. Warchut's motion to dismiss was filed on March 4, 2005. A full month later, on April 5, 2005, the plaintiff filed his opposition only as to Krotkov and Alibris. Local Rule 7.1 of this Court provides that oppositions to all motions to be filed within fourteen (14) days after service which is intended to include the period of time for mailing. The plaintiff provides this Court with no reason other than oversight for his failure to oppose Warchut's motion to dismiss and, in the absence of any excusable reason for failing to file an opposition, Warchut moves this Court to apply Rule 7.1 and to deny the plaintiff's motion to adopt his previously filed opposition.

THE DEFENDANT
MICHAEL WARCHUT

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